

REMARKS

The final Office Action of August 6, 2007, has been reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1, 4, 8, 11, 46, 47, and 49-52 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,226,367 (Smith). Applicants traverse this rejection for at least the following reasons.

Independent claim 1 recites associating a group of terminal operating characteristics with “a user-selectable profile of the communication terminal.” The Office Action alleges that the entire claim is disclosed by Col. 10, lines 21-52 of Smith, which relates to associating a graphical icon with a telephone number and displaying the icon when an incoming call is received from the associated number. The relied-upon section of Smith also discloses an option for a telephone user to create an electronic business card (EBC) based on an incoming caller’s name, telephone number, and associated icon. Specifically, the Office Action states on pages 2-3, “an electronic business card, or EBC, reads on a profile.” Applicants disagree with this characterization. Smith’s electronic business cards do not disclose or even relate to “a user-selectable profile of the communication terminal,” as recited in claim 1. An electronic business card is merely a set of contact information describing an individual (e.g., name, title, phone number, e-mail address) that is stored in a table or data structure in Smith’s system. See FIGS. 6, 8A-8D, 11A-11B, 12A-12C, 13A-13B; col. 6, line 45 to col. 7, line 31, and col. 8, lines 9-64. In contrast, claim 1 recites “a profile of the communication terminal,” which is an entirely different concept than an electronic business card containing contact information. A profile for a communication terminal or other computer is a well-known concept within the relevant technical field. Unlike simple user contact information, profiles correspond to a set of preferences and user settings that control the operation of the mobile terminal. This understanding of the term “profile” is made clear and supported throughout the instant specification. See, e.g., FIGS. 3, 4, and 7; paragraphs [0018]-[0019] and [0022]. Additionally, paragraph [0035] of the specification references U.S. Patent

No. 5,470,476 as describing profiles, further clarifying the proper understanding of the term “profile” as recited in the pending claims. Finally, paragraphs [0038]-[0045] describe examples of types of profiles that may be configured on a communication terminal practicing the present invention.

Therefore, Smith’s electronic business cards do not disclose “a user-selectable profile of the communication terminal,” nor does Smith teach or suggest any related concept. Applicants further note that the term “profile” does not appear anywhere in Smith’s disclosure. Accordingly, Applicants submit that claim 1 is not anticipated by Smith and respectfully request that this rejection be withdrawn.

Independent claim 49 recites apparatus configured to perform a method comprising the steps recited in claim 1. Thus, for at least the same reasons discussed above in relation to claim 1, independent claim 49 is allowable over Smith.

Dependent claims 4, 8, 11, 46, 47, and 50-52 depend either from claim 1 or claim 49 and are allowable for at least the same reasons and their respective base claims, as well as based on the additional features recited therein.

Rejections Under 35 U.S.C. § 103

Claims 2 and 53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of U.S. Patent No. 6,675,008 (Paik). Claims 5-7, 33, 38, 39, and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of U.S. Patent No. 7,158,805 (Park). Claims 9, 23, 36, and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Paik, and further in view of Park. Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Paik and Park, and further in view of U.S. Patent Application Pub. No. 2002/0069220 (Tran).

However, neither Paik, nor Park, nor Tran overcomes the deficiencies of Smith discussed above, in that none of the cited references teaches or suggests “a profile” as recited in independent claims 1, 33, and 49. Paik never even mentions the term “profile,” and the ‘profiles’ discussed in Tran and Park refer to entirely different meanings of the word which are unrelated to a set of preferences and user settings for operating a communication terminal. Therefore, none of the cited references discloses a profile of a communication terminal as

recited in the pending claims. Accordingly, for at least the same reasons discussed above in relation to claim 1, claims 2, 5-7, 9, 10, 23, 33, 36-39, 48 and 53 are allowable over any of the purposed combinations of cited art.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated this 23rd day of Oct., 2007

By: /Ross Dannenberg/
Ross Dannenberg, Registration No. 49,024
1100 13th Street, N.W.
Suite 1200
Washington, DC 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001